

PATENT COOPERATION TREATY

PCT
NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

HAFT, v. Puttkamer, Berngruber,
 Czybulka
 Franziskanerstrasse 38
 D-81669 München
 ALLEMAGNE

Patentanwaltskanzlei

- 2. Jan. 2002

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Date of mailing (day/month/year) 17 December 2001 (17.12.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 15571PCT	
International application No. PCT/DE00/00334	International filing date (day/month/year) 03 February 2000 (03.02.00)
Applicant RAHE, Martin	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

JP,US


The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Christelle CROCI  Telephone No. (41-22) 338.83.38
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Translation

PATENT COOPERATION TREATY

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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 15571PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE00/00334	International filing date (day/month/year) 03 February 2000 (03.02.00)	Priority date (day/month/year) 04 February 1999 (04.02.99)
International Patent Classification (IPC) or national classification and IPC A61B 5/20		
Applicant RAHE, Martin		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04 September 2000 (04.09.00)	Date of completion of this report 20 October 2000 (20.10.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE00/00334

1. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*

- ☐ the international application as originally filed.
- ☒ the description, pages 1-8, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-13, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/2-2/2, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

The subject matter of Claims 1 to 13 is novel and involves an inventive step pursuant to PCT Article 33.

1. This report makes reference to the following document:

D1 WO-A-92/15863 (BOEHRINGER MANNHEIM CORP.) 17 September 1992.

2. D1 is considered to be the prior art closest to the subject matter of Claim 1 and discloses a device suitable for holding and checking separated urine (cf. abstract; page 8, line 32 to page 9, line 2). The device has the following features (the references in brackets refer to D1):

- a measuring cell (*inter alia* formed by a first cover 10, a second cover 12 and a handle portion 14; cf. Figure 1)
- this has an inflow opening (first port 11)
- it has an indicator on an indicator carrier (reagent holder 8; cf. page 14, lines 25-30)
- it has a transparent area forming a window through which the indicators are visible

(second port 13)

- the indicators are positioned on a side of the indicator carrier, which side faces the window (cf. Figure 1)
- liquid transporting means suitable because of its capillarity for transporting liquids extends from the inflow opening out to the indicator carrier (fleece layer 7 in Figure 1; cf. also page 13, lines 25-26)
- said liquid transporting means is connected to an area of an indicator in each case (page 14, lines 9-16).

The subject matter of Claim 1 differs from this known device in that the liquid transporting means **engages around** the indicator carrier and is connected to an area of one of each indicator on the **side facing the window**.

The subject matter of Claim 1 is thus novel pursuant to PCT Article 33(2).

3. The problem to be solved by the present invention can therefore be considered to be that of increasing the reading indication of the colour change of the indicators and thus the reliability of a resulting interpretation.

The solution proposed for this problem in Claim 1 of the present application involves an inventive step, pursuant to PCT Article 33(3), since geometry of the liquid transporting means, indicator carrier and indicator, which geometry corresponds to the distinguishing feature, is not suggested by the prior art.

The liquid transporting means in the device as

described in D1 is connected to an area of the indicator on the **side facing away from the window**, a suboptimal reading indication of the indicator being produced, since the view of the colour change is made cloudy by a non-impregnated layer of the indicator carrier.

By way of the teaching of D1, the prior art merely provides the possibility of moistening the side of the indicator to be read directly with the liquid to be analysed. In this case, reading is made more difficult because of the liquid applied which is usually not colourless.

4. Claims 2 to 13 are dependent on Claim 1 and thus also meet the PCT requirements concerning novelty and inventive step.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Although Claim 1 is drafted in the two-part form, some of the features discussed in Box V should not have been included in the characterising part since they were disclosed in D1 in conjunction with the features mentioned in the preamble (PCT Rule 6.3(b)).
2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.
3. Claim 4 refers incorrectly to Claim 9 instead of Claim 3.